

U.S.S.N. 09/779,427

Filed: February 8, 2001

**AMENDMENT AND RESPONSE TO OFFICE ACTION****Remarks**

Claims 1-18, 31-37 are pending. Claims 1, 3 have been amended. Claim 1 was amended to clarify the recombinant organism as being bacteria/a bacterium. Support for the amendment to claim 1 can be found, for example, at page 9, lines 8-9. Claim 3 was amended to provide a proper Markush group. Each of claims 5, 7, 10, 11, 12, 14, 16, 17 and 31-36 were amended to clarify the claimed processes and to provide proper antecedent basis. New claim 37 has been added.

The present invention is directed to a process for the preparation of poly(hydroxy fatty acids) using recombinant bacteria containing at least one fragment of the poly(hydroxy fatty acid) synthase gene from *Thiocapsa pfennigii*. The recombinant bacteria are grown with an appropriate carbon source as a substrate and then the poly(hydroxy fatty acids) are extracted.

**Rejection Under 35 U.S.C. § 112, first paragraph**

Claims 1-18 and 31-36 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention. Applicants respectfully traverse this rejection to the extent that it is applied to the claims as amended.

Claim 1 was rejected for not having been sufficiently described in the specification. The applicant's have amended claim 1 to clarify the recombinant organism as being bacteria/a bacterium.

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**Rejection Under 35 U.S.C. § 112, second paragraph**

Claims 2, 5-7, 11-18, and 33-36 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection to the extent that it is applied to the claims as amended.

Claim 1 was amended to provide proper antecedent basis for claims 2 and 6. Claim 5 was amended to be properly dependent from claim 1. Each of claims 5, 7, 10, 11, 12, 14, 16, 17 and 31-36 were amended to clarify the claimed processes and to provide proper antecedent basis.

**Claim Objections**

Claim 3 was objected to as having an improper Markush group. Applicants respectfully traverse this objection to the extent that it is applied to the claim as amended.

Claim 3 was amended to clarify the Markush group by inserting a comma between the terms "citric acid esters" and "citric acid lactones".

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Allowance of claims 1-18 and 31-37 is respectfully solicited.

Respectfully submitted,



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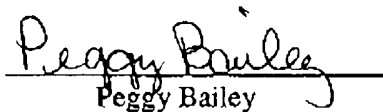
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Date: September 24, 2003

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**Certificate of Facsimile Transmission**

I hereby certify that this Amendment and Response to Office Action, and any documents referred to as attached therein are being facsimile transmitted on this date, the 24<sup>th</sup> day of September 2003, to the Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Peggy Bailey

Date: September 24, 2003

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